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TWO INDICTMENTS

Returned by Grand Jury
Against Blackburn

HE DENIES ALL CHARGES

Alleged Violations of Laws Committed in 1905

Blackburn is Charged With Practicing Before Departments of the Government and Accepting Fees for the Service, This Being a Violation of Section 1782 of the Revised Statutes. The Accused Congressman Denies the Charges in Toto—He Will Make a Statement Today.

Asheville, N. C., February 21.—Two indictments were returned by the federal grand jury today against E. Spencer Blackburn, republican congressman from the Eighth North Carolina district, charging him with practicing before departments of the government and accepting fees for the service after his election to the house of representatives.

The indictments allege that Blackburn appeared before the treasury department, and the commissioner of internal revenue, as attorney, and secured a compromise of the cases against Ace Dinkins and P. A. Davis, who are charged with violation of the laws governing the making of whiskey in the Fifth North Carolina district. It is alleged that Blackburn was paid \$100 by Davis and \$500 by Dinkins for his services, and the date of acceptance on these fees is placed in February and March 1905.

The indictment is based on section 1782 of the revised statutes which says: "No senator, representative, nor delegate, after his election, and during his continuance in office, shall receive or agree to receive any compensation whatever."

Washington, February 21.—Representative Blackburn tonight authorized a denial "in toto" of the charges contained in the indictments returned against him today at Asheville, N. C., alleging that he practiced before the treasury department and received fees for such services in violation of law. Mr. Blackburn declared that he has not committed any offense. He declined to answer specifically the charges tonight but will make a statement tomorrow.

The following article taken from yesterday's Washington Post concerning Mr. Blackburn's attitude toward the charges that have been made against him, in this connection will be read with interest.

The Post says:

The charge made Monday that the alleged acceptance of fees by Representative E. Spencer Blackburn, of the Eighth North Carolina district, for services on behalf of his constituents before the departments, was being investigated by the United States district attorney, with the sanction of the department of justice, was met yesterday by a clean-cut statement from the representative.

In this statement, Mr. Blackburn denies that he has been guilty of violating either the letter or the spirit of the law, but admits that he has done all he could for his constituents without the payment of a cent or the expectation or promise of any reward whatever.

The district attorney for North Carolina is A. E. Holton, and he has been in Washington for several days. It was stated that he held several conferences with Attorney General Moody concerning these alleged violations of law, and that the matter would be brought before a special session of the grand jury of the federal court at Asheville, Mr. Blackburn's home, this week.

Politics in the Case.
According to the friends of Mr. Blackburn, there would seem to be something of politics behind the matter. It is known that Mr. Blackburn has complained because he, being the only republican congressman from his state, was entitled to some of the federal patronage, and believed that he was not treated fairly in the distribution of this patronage.

It was claimed by Mr. Blackburn that in giving out the offices in North Carolina the administration showed marked preference for the recommendations of Judge Pritchard, former United States senator, and Thomas Rollins, chairman of the republican state committee, who is a son-in-law of Judge Pritchard.

Representative Blackburn is one of the most popular men in the house, where he is now serving his second term. He and his wife are well known in Washington society. Mrs. Blackburn is the daughter of Myron M. Parker, of Washington.

Says He Is Guiltless.

In a carefully prepared statement Mr. Blackburn said yesterday: "I have committed no offense against the law of the land, either in letter or spirit, and have yet to believe that the courts of my state and country are to be prostituted for personal and political ends, for the simple reason that I was elected to congress over the protest of certain federal officials of our state, who sought my defeat. Republican members of the North Carolina legislature met in joint cau-

MINERS' STRIKE IS INEVITABLE

President Mitchell Makes Statement to Associated Press

MAY BE CALLED ON APRIL 1ST

Convention of District Five is Without Officers—Committee Appointed to Take Charge of the Organization Work in the District—Mitchell Says a Strike in the Bituminous Fields is Inevitable.

Pittsburg, Pa., Feb. 21.—"As far as I know now there will be a strike," President Mitchell, of the United Mine Workers of America, who arrived here today from New York, made the above statement to the Associated Press.

"Will there be a strike on April first?" President Mitchell was asked. "As far as I know now," answered Mr. Mitchell with considerable hesitancy, "there will be a strike."

"In both the bituminous and anthracite fields?" he was asked.

"I will positively say nothing more," Mr. Mitchell denied that he was here to confer with the bituminous operators.

President Mitchell gave out a statement in which he said:

"The miners' convention of district five, having removed the president, vice president, secretary-treasurer, and executive board, the national organization recognizes their right to do so. Mr. Dolan is no longer president of district five of the mine workers of America."

"Pending the result of the election, which has been ordered, I have appointed a committee of three to take charge of the organization work in this district."

President Mitchell left this city for New York tonight. Before boarding train he said: "A strike in the bituminous fields is inevitable."

Francis Robbins, chairman of the executive board of the Pittsburg Coal Company, left on the same train.

New York, February 21.—"It is the natural thing for Mitchell, to say at this time," said an anthracite mine operator today in regard to the statement from the president of the United Mine Workers, that as far as he knew there would be a strike. "The miners' committee is at work drafting demands behind which they must make a show of standing firm. I do not believe, however, that there will be a strike in the anthracite districts."

The long delay of the miners' committee in presenting its demands is thought by the operators to be due only to the difficult position of the committee in having to satisfy all parties among the mine workers. "The miners," said an operator today, "are not willing to strike for the alleged eight hour cause of the breakers and they realize that to demand a ten percent increase in wages is useless, while they are not anxious to endanger the high rate they are now receiving. On the other hand, the outside men, I understand, are pressing Mr. Mitchell and the other leaders."

cus last year and passed a resolution asking for a change in the personnel of the larger federal offices, a copy of which was furnished me, and which I have endeavored to have complied with.

"Charges of a grave character were furnished me by responsible parties against the present district attorney for the Western district of North Carolina, whose name is now before the senate judiciary committee, which I filed as a matter of duty to myself and people, with that committee, where his nomination is now pending. The district attorney did all he could to defeat my nomination and election, and has since relentlessly persecuted those whom he thought were my friends."

"The certain coterie of officeholders in my state who desire no majority republican party there, but who are interested in retaining the offices, have opposed me at every turn, and it seems there is no extreme to which they will not go."

"I have often appeared before the departments for my constituents and friends, urging their cause as best I could, for which I have never received a solitary cent, and if the courts are to be used for the purpose of endeavoring to humiliate me and those who are supposed to be my friends, only to subvert the personal and political ends of individuals, I will still have to be convinced of that fact. Why the Eighth North Carolina district should be singled out for investigation alone, simply because I am a republican representative, and the only one from my state, is a query in which the public will doubtless have some concern."

May Tell Some Truths.

"Whatever course may be pursued by the district attorney, who has been publicly cowardly in the city in which he lives (which cowardly he resented by suing his assailant for damages, and never yet having recovered anything), is a matter with him and should conditions demand, the public will be acquainted fully with the true inwardness of the whole North Carolina situation—political, judicial, and otherwise."

"In two congresses I have endeavored to represent the people and their wishes, and shall continue to do so. The people of my state do not wish the present district attorney retained, and I am trying to represent their wishes. A few designing men in North Carolina cannot thwart their will away."

Today Extra cars to the Beach at 3:00 and 4:30 p. m.

BE READY TO FIGHT

U. S. Should Prepare for Trouble in the Orient

DECLARES CHAIRMAN HULL

Army Appropriation Bill Considered in the House

During the Transition Period in China, Every Nation That Has Business Relations With Her Must Be Ready to Protect Themselves, or Else Haul Down Their Flag and Quit the Pacific—Utterances of Minister Rockhill Characterized as "Injudicious." Speeches on the Tariff, Emigration and the Payne Customs House Bills.

Washington, February 21.—Chairman Hull, of the military affairs committee, in presenting the army appropriation bill to the house today, urged the necessity of complete preparedness as to our army and navy, for trouble in the Orient. He declared that any nation not prepared to defend its position in China, might as well haul down its flag and quit the Pacific.

Speeches on tariff, emigration and the Payne customs houses bill consumed the balance of the day. Mr. Hopkins (Ky.) uncovered many methods of inducing immigration to the United States, much of which he declared to be decidedly undesirable. Mr. Shepard (Texas) urged tariff reform to obviate retaliatory affairs by other nations. Mr. Powers (Maine) spoke against abolishment of customs houses as a matter of economy, and Mr. Macon (Ga.) answered his arguments, taking his party to task for not favoring the Payne bill.

Mr. Hull had read a newspaper dispatch from Peking, which had been sent him from the Orient, and which he vouched for as "entirely accurate," which gave an account of an interview between Minister Rockhill and Mr. Na Tung, president of the Waiwu-pu. Mr. Rockhill reminded the Chinese official that the United States intended to return the twenty-million pounds sterling, its part of the boxer indemnity.

Mr. Hull characterized these utterances on the part of Mr. Rockhill as "injudicious." "I do not believe that the representative of this government had a proper conception of the character of the Chinese people," continued Mr. Hull, "when he offered them a bribe of twenty million pounds, or whatever the United States' share of the Chinese indemnity may have been, to be good."

"They are a people that in my judgment would take any such affair as that as indication of our being rather more afraid of them than otherwise. And it seems to me that a man occupying his position should have let whatever information was necessary come from the government of the United States direct, and not have given it to the newspapers."

Mr. Hull said he had been informed extensively of the Chinese situation. He read a lengthy letter, the author of which he declined to divulge, which rebuffed the idea that Japan was causing trouble in China. Mr. Hull endorsed this view and also the proposition in the letter that the Boxer indemnity ought rather to be used to build battleships for the United States than be returned to China.

Mr. Hull pointed out that it was decidedly to the interest of Japan to preserve order in China in order to retain her own markets in that country. China, he said, was passing through a transition from ancient to modern civilization, "and while that is going on every government that has business relations with her must be ready to protect themselves or else pull down their flag, leave the Pacific ocean and destroy their trade."

Mr. Hopkins accused the Hungarian government of teaching anti-Americanism in this country. He quoted Herr Franz Kaltefleiter, a member of the ministry of the interior of Austria, who recently visited American colonies in this country, and urged them not to become American citizens and to be frugal that they might soon return to their country and also advocated no aid from the New York home to the Austrians except those who remained Austrians. He also quoted Rev. Bela Lorick, a Hungarian priest officiating at Connellsville, Pa., to the same effect.

"The dissemination of such statements with their evil effect coming as they do from the head of both state and church should not be tolerated in our land," declared Mr. Hopkins.

The house adjourned until tomorrow.

Springfield, Ill., Feb. 21.—Governor Denen today acting on the recommendation of the state board of pardons, denied wife murderer Johann Hoch's petition for commutation of sentence to imprisonment.

Today Extra cars to the Beach at 3:00 and 4:30 p. m.

TO PREVENT HIM MAKING BID

Influence Exerted by Conspirators on A. S. Twiggs of Augusta

TRIAL OF GREENE AND GAYNOR

Evidence Relating to the Twiggs Contract Declared by Judge Speer to be Admissible—Witness Described the Way in Which He Considered He Was Oppressed by Captain Carter.

Savannah, Ga., February 21.—Judge Emory Speer listened to further lengthy arguments in the Greene and Gaynor case this morning, the defense having sought to prevent A. J. Twiggs, of Augusta, Ga., from telling how he was "persecuted and oppressed," as the government termed it, in the carrying out of a contract he had secured in 1903 from Captain O. M. Carter for the improvement of the Savannah river near Augusta. After retiring to prepare his decision, the court read at length his views upon the arguments submitted, and upheld the contention of the prosecution that the evidence was admissible and relevant to the main issue of conspiracy, even though the indictment made no allusion to the Twiggs contract specially.

This Twiggs contract was the only one during a term of years of the many let by Carter that went to a contractor other than Greene and Gaynor or some one connected with them, and the government has deemed it of great importance in showing how the alleged conspirators sought to both punish Twiggs for his failure to permit himself to be bought off, and to make an example of him that would deter other contractors from attempting to get improvement work in Carter's district.

Twiggs' letters to Carter, and Carter's reply relative to the Augusta contract were read. Twiggs says he came here in 1893 to bid on a contract for Savannah river work, and that he had a conversation with Edward H. Gaynor, a brother of John F. Gaynor, one of the defendants, who offered him \$1,000, to go home and not bid. He refused saying he had come to bid and expected to do so.

A day or two later he met John F. Gaynor and Edward H. Gaynor together. The latter he said, approached him and told him he should have accepted their offer. The younger Gaynor had two papers in his hand which the witness said were two bids and Gaynor told him the lower would be put into bid Twiggs unless Twiggs should accept the \$1,000, and withdraw. This he did not do and he secured the contract. The witness then described the way in which he considered Carter oppressed him.

The witness said to get the character of material Carter demanded of him he had to cover an area, extending thirty miles from the point where the work had been going on. If he had been permitted, he said, to use such material as Carter allowed, Greene and Gaynor to use, he could have secured all he needed within half mile of the work, thereby saving a great expense to which he was forced.

Chain chokers were used by the witness in binding the fascines to the required tightness, but he had seen Greene and Gaynor using rope chokers on the river work two years before. He began the use of rope chokers, but had to stop when Carter saw what he was doing.

Adjournment was taken until tomorrow.

GROSVENOR WAS DEFEATED

Nomination for Congress Went to Albert Douglass on the First Ballot.

Lancaster, Pa., February 21.—After a service of over twenty years in congress, General Charles H. Grosvenor, the "Sage of Athens" was defeated for re-nomination today on the first ballot by Albert Douglass, of Chillicothe, Ross county, the vote being 78 to 20.

The defeat of Grosvenor was rendered all the more bitter from the fact that his own county, Athens did not give him a single vote and he did not get a solid delegation from any county in the district.

The man who defeated General Grosvenor is 53 years old and a lawyer at Chillicothe. He is a fine orator and has dominated the politics of Ross county for years.

WHITE IS OPTIMISTIC

He Thinks an Ultimate Agreement Will be Reached Concerning Morocco.

Algiers, Spain, February 21.—Although the continued Franco-German deadlock causes a feeling of depression and discouragement among the delegates to the Moroccan conference, Ambassador White, head of the American mission, maintains full confidence that an ultimate agreement will be reached, and says there is no reason whatever to regard an understanding as impossible. His strong optimism is in rather marked contrast with the pessimism prevailing in other quarters, particularly among the French and British, who take the view that the usefulness of the conference is virtually terminated. This is partly explained by the dissatisfaction in French and British quarters over Germany's rejection of the French proposals. The Germans continue to urge that the conference should proceed with its work until definite results are secured.

Today Extra cars to the Beach at 3:00 and 4:30 p. m.

ON RATE MATTERS

Important Conference at the White House

HOPE FOR A COMPROMISE

If President is Not Satisfied He Will Veto the Bill

President Roosevelt Will Not Attempt to Influence the Senate Committee in its Consideration of the Hepburn Bill—An Amendment Drafted by Knox, Offered in a Spirit of Compromise—A Firm Stand Will be Made in Committee to Have the Bill Reported Without Amendment. However Judicial Review Will Probably be Provided For.

Washington, February 21.—When the senate committee on interstate commerce meets on Friday to vote on a railroad rate bill the announcement will be made authoritatively that President Roosevelt will not attempt to prevent amendment of the Hepburn bill; that he will leave the committee free to exercise its best judgment, and if possible compromise its differences; that if a bill is reported which does not meet his approval, and in that form is passed by congress, he will content himself to exercise his veto power. This announcement will be made as the result of a conference today between the president and the most active persons supporting the house bill without amendment, but will be delivered to the committee by a senator who has supported amendment providing for judicial review of an order of the interstate commerce commission.

The conference at the White house is one of many that have been held there in the last week for a discussion of the railroad rate question. It was attended by Senators Dooliver and Clapp, Speaker Cannon, Representative Hepburn, and Attorney General Moody. They had under consideration an amendment said to have been drafted by Senator Knox, and revised by the attorney general. The draft in its revised form however, is said not to be satisfactory to its author. It was offered in a spirit of compromise, and the president and attorney general desired to know whether it would be acceptable to the members of congress who are making a fight to prevent the adoption of any amendment which they believe would interfere with the operation of the measure they propose to enact into law.

Briefly stated the amendment aims to give to any complainant authority to file a petition in a court asserting that a rate fixed by the commission was in fact illegal, or that an order of the commission was in reality unlawful, and authorizes the court to hear the suit to decide whether the commission acted within its authority, and whether the constitutional rights of the plaintiff had been violated.

After Senators Dooliver and Clapp returned to the capitol they told certain colleagues that they would go into the committee on Friday and make a firm stand to have bill reported without amendment. When asked concerning the attitude of the president, they said that they believed he is satisfied with the bill as it stands, but that it was too much to say he is opposed to any amendments whatever. The president was described by them as ready to consider any amendments that might be offered, and willing to listen to any proposition up to the time the bill is placed on its final passage.

Conservative members of the committee assert that they have the necessary votes to amend the Hepburn bill, if they are left free to exercise their individual judgment; that they will not be put in the position of opposing the president's policy. Under these conditions it is said that Senators Elkins, Foraker, Crane, Keen, Aldrich, Carmack, Foster and McLaughlin, will vote for an amendment providing for judicial review. Seven votes is a majority of the committee.

Deficient Midshipmen Must Resign From the Naval Academy.

Washington, February 21.—Among the midshipmen of the fourth class who have been found deficient in the mid-year examination, and whose resignations the academic board at Annapolis will recommend, shall be accepted by the secretary of the navy, is J. P. Kimbrough, of Tennessee, who was the victim of hazards at the academy and the discovery of whose injuries led to the present investigation at the academy. It is expected that Secretary Bonaparte will approve the recommendation not only in Kimbrough's case, but also in that of the other midshipmen who have been found deficient.

Today Extra cars to the Beach at 3:00 and 4:30 p. m.

SENATE PASSES PURE FOOD BILL

The Matter Has Been Considered for Fifteen Years

ONLY FOUR VOTES AGAINST IT

Several Efforts Were Made to Amend the Bill and the Committee Accepted a Number of Suggestions—Mr. Tillman Declared That the Bill Was Crudely Drawn and He Wanted It Recommended.

Washington, February 21.—After fifteen years of more or less serious consideration of the subject, the senate today passed a pure food bill by the decisive vote of 63 to 4. The vote was taken after a day devoted almost exclusively to debate of a desultory character on the measure. Several efforts were made to amend the bill, and the committee accepted a number of suggestions, but only those thus accepted were incorporated in the bill as passed.

The bill makes it a misdemeanor to manufacture and sell adulterated or misbranded foods, drugs, medicines or liquors in the District of Columbia, the territories and the regular possessions of the United States, and prohibits the shipment of such goods from one state to another or to a foreign country. It also prohibits the receipt of such goods. Punishment by fine of \$500 or by imprisonment for one year, or both, is prescribed.

Much of the debate was devoted to considering the effect of the word "added" as applied to the ingredients in whiskey. There was so much difference of opinion on the subject that there was no dissent when Mr. Tillman said that the indication was that the senators had confined their acquaintance with the article under dispute to mere theory.

Mr. Spooner expressed the opinion that Mr. Tillman had spent more time in gaining his information on the subject than in imparting it.

Mr. Tillman expressed the opinion that the bill was crudely drawn and should be recommitted to the committee on agriculture. He thought the bill should fix standards and not leave it to Dr. Wiley, of the bureau of chemistry to do so.

Mr. Hepburn replied that no absolute standards would be fixed because the states have different standards. Mr. Bailey contended that the interstate commerce provisions of the bill were invalid. He said we needed better prosecuting attorneys rather than more government bureaus. "Begin as you are doing in this bill and you will soon have a department as powerful as the postoffice department," and added "I doubt if any despotism in the world vests in one individual as much power as we give to the postmaster general, who can close any man's business by an edict from which he has no appeal."

He declared that the American government was rapidly becoming a bureaucracy.

On the final roll call the bill passed by a vote of 63 to 4. Messrs. Bacon, Bailey, Foster and Tillman, all democrats, being the only voters to cast their votes in the negative.

The senate adjourned until tomorrow.

TO THE PEN FOR TEN YEARS

Young Negro Guilty of an Attempted Assault—Pardon of Godwin Peel, Orders by Judge Purnell.

(Special to The Messenger.)

Raleigh, N. C., February 21.—Joe Hargood, a fourteen year old negro, was brought to the penitentiary for a ten year term for attempted assault on a white school teacher in Bertie county.

Governor Glenn has pardoned Godwin Peel, convicted ten years ago of murder in the second degree. This action was recommended by the judge, solicitor and jury.

The sentence of Jessie Mitchell, Bertie county, of hanging for the murder of his wife, was not stayed.

John Staubs, Charles Pope, Gillespie Long and Arnett, Sampson county, are pardoned conditionally on their good behavior. This was recommended by the judge and solicitor.

The Jackson Mercantile company, Jackson, is chartered, P. E. Ransom, James Scull, J. H. Barrett, incorporators. The authorized capital is ten thousand dollars.

Judge Thomas R. Purnell issued an order restraining the Suffolk and Carolina Railway company from crossing the track of the Norfolk and Southern Railroad company at Roper. Judge Purnell also overruled the motion to remove to Elizabeth City, the cause of the J. W. Roper Lumber company, against the Roanoke Railroad and Lumber company.

Schooner F. C. Pendleton in Distress. New York, February 21.—The three masted schooner F. C. Pendleton of Bangor, Maine, twelve days out from Georgetown, S. C., with a cargo of lumber for this port, was towed into Sandy Hook bay, this evening by the United States revenue cutter Onondaga. From the appearance of the Pendleton, as she passed in Sandy Hook, it is thought the vessel has been in collision with some other craft because her bowsprit is gone and she has lost her jibboom.